



PLANNING COMMISSION AGENDA REPORT

VI.5

MEETING DATE: SEPTEMBER 12, 2005

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-05-25
297 OGLE STREET

DATE: SEPTEMBER 1, 2005

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER 714.754.5136

DESCRIPTION

The applicant proposes to convert an existing 2-story triplex into a common interest development (condominiums), which would allow the units to be sold independent of one another.

APPLICANT

David Young of Hy297 Ogle Street LLC is the applicant and owner of the property.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions.


WENDY SHIH
Associate Planner


KIMBERLY BRANDT, AICP
Principal Planner

PLANNING APPLICATION SUMMARY

Location: 297 Ogle Street Application: PA-05-25

Request: To convert an existing 2-story triplex to a common interest development (condominiums).

Zone: R3 North: C1-S (Commercial Shopping Center)

General Plan: High Density Residential South: R3 – Multiple-Family Residential

Lot Dimensions: Corner Lot East: R2-MD – Multiple-Family Residential

Lot Area: 5,635 sq.ft. West: R3 – Multiple-Family Residential
approx. 6,552 sq.ft. after vacation
of excess public right-of-way*

Existing Development: 2-story triplex with a single-car garage and one open parking space for each unit.

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Code Requirement</u>	<u>Proposed/Provided</u>	
Lot size:		Existing	After Vacation of Public Right-of-Way*
Lot width	100 ft.	45.5 ft.**	52.5 ft.
Lot area	12,000 sq.ft.	5,635 sq.ft.**	Approx. 6,552 sq.ft.
Density: Zone/GP	1 du/ 3,630 sq.ft.	1 du/ 1,878 sq.ft.**	1 du/2,184 sq.ft.
Building coverage – overall project:			
Buildings	NA	50% (2,812 sq.ft.)	43% (2,812 sq.ft.)
Paving	NA	9% (505 sq.ft.)	13% (825 sq.ft.)
Open Space	40% (3,654 sq.ft.)	41% (2,318 sq.ft.)	44% (2,915 sq.ft.)
TOTAL	100% (9,135 sq.ft.)	100% (5,635 sq.ft.)	100% (6,552 sq.ft.)
Min. private open space dimension	10 ft. by 10 ft. min.	16 ft. by 22 ft. min.	
Building Height:	2 stories/27 ft.	2 stories/20 ft.	
Setbacks:			
Front	20 ft.	16 ft.**	
Side (left – Santa Ana Ave./right)	10 ft./5 ft.	3 ft.*/16 ft.	10 ft./16 ft.
Rear (alley)	5 ft.	5 ft.	
Parking:			
Covered	3	3	3
Open	5	3	3
Guest	2	0	0
TOTAL	10	6**	6

CEQA Status Exempt, Class 1

Final Action Planning Commission

* Condition of approval no. 1 requires vacation of 7 ft. public right-of-way (Santa Ana Ave.).
 See report for details.

** Existing, nonconforming.

BACKGROUND

The subject property is located on the southwest corner of Santa Ana Avenue and Ogle Street. The lot contains a triplex with a single-car garage per unit. The applicant proposes to convert the three apartment units into condominiums.

Pursuant to Code Section 13-42(g), Planning Commission review is required when apartments are proposed to be converted to a common interest development. The review is required to confirm compliance with applicable development standards and to consider potential impacts on the rental housing supply and displacement of tenants if the City's vacancy rate is below 3%.

A parcel map will be required to be processed and recorded before the units can be sold independent of one another. The applicant is aware of this requirement but did not want to have the map prepared until Planning Commission acted on the conversion.

ANALYSIS

Common interest developments must comply with additional development standards above those applicable to the zone of the property. These additional development standards include provision of a 10-foot by 10-foot private open space for each unit, having a break in the front plane of the building of at least 4 feet every 2 dwelling units, and provision of on-site lighting. The existing development already complies with the common interest development requirements.

The existing development is situated on a lot with nonconforming lot width and lot area. The triplex was constructed in 1960 and is legal, nonconforming because the density, number of parking spaces, front and left side setbacks do not comply with current Zoning Code requirements – whether apartments or condominiums. The proposed change in the type of ownership will not increase the project's degree of nonconformity.

When the project was constructed in 1960, a total of six parking spaces were provided on the property (3 garage and 3 open parking spaces), including an open parking space within 10 feet of the property line along Santa Ana Avenue. In 1974, the City acquired 7 feet of the property along Santa Ana Avenue for an anticipated street widening. The new property line was 17 feet from curb face, which left a portion of one open parking space in the new public right-of-way. Although the property line was adjusted, no existing physical improvements (curb, sidewalk, asphalt paving for parking stall) were altered.

Since 1974, the Public Services Department has determined that the 7 feet is no longer necessary for widening of Santa Ana Avenue. Therefore, the applicant can request the City to vacate the excess public right-of-way. If City Council approves

the vacation, the property would increase back in size by approximately 900 square feet, resulting in a conforming left side building setback (10 feet), and shifting the open parking space back to being located entirely on the subject property. Although the open parking space will be located in the 10-foot setback on Santa Ana Avenue (once the vacation occurs), it is considered a legal, nonconforming setback, thus no variance is required. Staff is recommending a condition requiring that the vacation of excess right-of-way be recorded prior to recordation of the parcel map to convert the units into condominiums to ensure that all 6 parking spaces are located on private property.

Approval of the conversion will satisfy General Plan Goal LU-1A.4 that encourages additional home ownership opportunities in the City. However, City Council is concerned that conversions may diminish the supply of rental housing and displace residents unreasonably, particularly senior citizens, low- and moderate-income families, and families with school-age children. Consequently, City Council established a "critical vacancy rate" of 3% as the threshold for discouraging conversion of apartments to common interest developments. When the citywide rental vacancy rate is 3% or less, Planning Commission may deny any requested conversions. The latest census data indicates the City's rental vacancy rate is 2.97%.

The tenants are currently charged \$1,400 to \$1,600 a month in rent, which exceeds affordable rental rates of \$835 for very low income to \$1,162 for moderate income households for a 2-bedroom unit. Therefore, conversion of the units would not result in a loss of affordable units. As conditioned, the applicant will offer right of first refusal to the tenants, with terms more favorable than those offered to the general public. If the tenants confirm that they are not interested in purchasing the units, the property owner will pay the registration fee for an apartment referral service. The City is only .03% (or 12 units City-wide) below the adopted vacancy rate threshold; therefore, it is staff's opinion that this proposal meets the goal of the General Plan's Housing Element to provide additional home ownership opportunities, and does not impact availability of affordable rental housing.

As required by Code, a property inspection report and a termite report were submitted, and a City property inspection report was prepared. Based on those reports, Planning staff's inspection of the site, and to allow a general upgrading of the site, staff recommends the following improvements:

1. All exterior and interior improvements listed in applicant's memo dated July 18, 2005. This condition shall be completed under the direction of the Planning staff.
2. Upgrade landscaping to satisfy current code requirements.
3. Treat termite infestations as recommended by a termite control company.

A list of building, plumbing, and electrical corrections or upgrades is also included in the conditions of approval.

ALTERNATIVES

The units would continue to be rented without the site upgrades, if the request is denied.

CONCLUSION

Conversion of the apartments will result in a general upgrading of the property, as well as providing additional home ownership opportunities. In staff's opinion, conversion of the units will not diminish affordable housing stock. Additionally, current tenants will be offered right of first refusal to purchase, or the property owner will pay registration fees for an apartment search service to help them find a new apartment if they decide not to purchase.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" - Draft Findings
 Exhibit "B" - Draft Conditions of Approval
 Applicant's Project Description and Justification
 Inspection Reports
 Location Map
 Plans

cc: Deputy City Manager - Dev. Svcs. Director
 Sr. Deputy City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

David Young
Hy297 Ogle Street LLC
1301 Dove St., Ste. 720
Newport Beach, CA 92660

RESOLUTION NO. PC-05-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-05-25**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by David Young/Hy297 Ogle Street LLC with respect to the real property located at 297 Ogle Street, requesting approval of the conversion of a triplex to a common interest development (condominiums), in the R3 zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on September 12, 2005.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Planning Application PA-05-25 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for Planning Application PA-05-25 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 12th day of September, 2005.

Chair, Costa Mesa
Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Kimberly Brandt, acting secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on September 12, 2005, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Acting Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(10) in that, although the critical vacancy rate is less than the rate established in Section 13-42(c) (Residential Common Interest Development Conversions), the condominium conversion will not diminish affordable housing stock within the City. Conversion of the apartments will result in a general upgrading of the property, as well as providing additional home ownership opportunities within the City. A condition is also included to require that current tenants be offered right of first refusal to purchase, or the property owner pay registration fees for an apartment search service to help them find a new apartment if they decide not to purchase.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(e) in that:
 - a. The project is compatible and harmonious with existing development and uses in the general neighborhood.
 - b. Safety and compatibility of the design of buildings, parking areas, landscaping, luminaries and other site features, which includes functional aspect of the site development such as automobile and pedestrian circulation, have been considered.
 - c. The project is consistent with the General Plan.
 - d. The planning application is for a project-specific case and is not to be construed to be setting a precedent for future development.
 - e. The cumulative effect of all the planning applications has been considered.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"**CONDITIONS OF APPROVAL**

- Plng. 1. Vacation of excess right-of-way along Santa Ana Avenue shall be recorded prior to parcel map recordation.
2. The following improvements shall be made:
- a. All exterior and interior improvements listed in applicant's memo dated July 18, 2005. This condition shall be completed under the direction of the Planning staff.
 - b. Upgrade landscaping to satisfy current code requirements.
 - c. Treat termite infestations as recommended by a termite control company.
2. The address of individual units shall be blueprinted on the site plan and on all floor plans in the working drawings.
3. Prior to issuance of building permits, applicant shall contact the US Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
4. Street addresses shall be displayed on the complex identification sign or, if there is no complex identification sign, on the wall in a manner visible to the public street. Street address numerals shall be a minimum 6" in height with not less than ½" stroke and shall contrast sharply with the background. Identification of individual units shall be provided adjacent to the unit entrances. Letters or numerals shall be 4" in height with not less than ¼" stroke and shall contrast sharply with the background.
5. Applicant shall contact the Building Safety Division, prior to the release of utilities for any units, to provide proof that the Uniform Building Code requirements for condominiums have been satisfied, to obtain a change of occupancy permit, and to complete any additional paperwork created through this conversion.
6. The site plan shall show provisions for the placement of centralized mail delivery units, if applicable. Specific locations for such units shall be to the satisfaction of the Planning Division, Engineering Division, and the US Postal Service.
7. The conditions of approval and ordinance or code provisions and special district requirements of Planning Application PA-05-25 shall be blueprinted on the face of the site plan.
8. The applicant shall contact the Planning Division to arrange for an inspection of the site prior to the final Building Division inspections. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
9. The applicant shall offer the existing tenants right of first refusal to purchase the units with terms more favorable than those offered to the general public. If the existing tenants confirm in writing that they are not interested in purchasing the units, the property owner will pay the registration fee for an apartment referral service.

10. The applicant shall show proof of compliance with all applicable conditions of approval and code requirements prior to recordation of the final map. This condition shall be completed under the direction of the Planning Staff.
11. The CC&R's shall require that garage spaces be used for parking, and any changes made to this provision require prior review and approval by the City of Costa Mesa.
- Bldg. 12. Comply with all building, plumbing, and electrical corrections listed in the July 29, 2005, memo.

HY 297 OGLE STREET L.L.C.

1301 DOVE STREET
SUITE 720
NEWPORT BEACH, CA 92660
949-851-1954 EXT. 213
949-851-1819 FAX
HY_INVESTMENTS@SBCGLOBAL.NET

Memo

via e-mail at MLEE@ci.costa-mesa.ca.us only

2 pages in total

To: **Mel Lee**
Planning Department
City of Costa Mesa

From: David Young / Managing Member HY297 Ogle Street LLC

Date: July 18, 2005

Re: Common Interest Development Conversion Request
Application # PA – 05 – 25
297 Ogle Street
RESPONSE TO YOUR JULY 14, 2005 LETTER

I will immediately contact the Building Services Division directly to schedule the required set of inspections for the above application. Please let me know at your earliest convenience if there are any specialized inspections you will require in addition to the standard set.

The upgrade to be performed on the subject property were summarized in the June 7, 2005 Property Observation Report letter from our architect – Kemmerer Design Architecture, Inc. The following is the current itemized list. Please note that this list is subject to revision due to property and market conditions:

- o Exterior Upgrades-
 - o Add a decorative stone wainscoting under each ground floor window on the Ogle St, Santa Ana Ave, and west side elevations; plus complimentary areas along the garage wall facing Santa Ana Ave. to break up this wall
 - o Add a matching stone fascia over the existing chimney on the Ogle St. side
 - o Add a decorative "Craftsman Style" entry roof with stone columns to the three front doors facing Santa Ana Ave.
 - o Repaint with a contemporary, more sophisticated color scheme
 - o Replace floor to ceiling louver window on Ogle St with Craftsman Style window
 - o Replace all windows with Craftsman Style energy efficient dual pane windows
 - o Replace all entry doors on Santa Ana Ave. with energy efficient Craftsman Style doors
 - o Replace all patio doors on west elevations with energy efficient Craftsman Style sliding doors
 - o Replace existing garage doors with three single car roll up doors with automatic openers and remotes
 - o Replace existing landscaping on the Ogle St. and Santa Ana Ave. elevations with contemporary drought resistant plantings
 - o Replace natural-shade stockade fencing surrounding patios on west elevation with complimentary-styled and colored fencing

Mr. Mel Lee
Response to July 14, 2005 Application Status Letter
Planning Application PA-05-25
297 Ogle Street
July 18, 2005
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- Replace mailboxes
- Replace exterior light fixtures
- Interior Upgrades-
 - Replace all kitchen cabinetry, countertops, and appliances
 - Add a dishwasher, stainless steel sink, and disposal to each kitchen
 - Add a washer and dryer installed in the existing laundry area in each unit
 - Replace all bathroom cabinetry and plumbing fixtures
 - Replace each gas water heater and forced air furnace
 - Replace each thermostat
 - Replace all kitchen and bath flooring with vinyl/tile
 - Replace all carpeted surfaces with new carpeting
 - Modify existing open rung stairs in the two townhouse units to comply with current code and replace metal railing with contemporary railing
 - Replace all light fixtures, light switches, electrical outlets
 - Add overhead and/or floor-to-ceiling storage lockers to the front of each garage
 - Add an interior wall to split the two-car garage
 - Replace all interior doors with raised paneled doors
 - Replace all interior door trim and baseboards

We will, of course, be replacing/repairing all exterior wood trim and landscape irrigation components as needed.

Please let me know if you need clarification of any of the above listed items.

Sincerely,

David Young
Managing Member
HY297 Ogle Street LLC

**CITY OF COSTA MESA
DEVELOPMENT SERVICES
BUILDING SAFETY DIVISION
77 FAIR DRIVE, P.O. BOX 1200
COSTA MESA, CALIFORNIA 92628-1200
714-754-5629**

DATE: 7-29-05

PROJECT : Residential Common Interest Development Conversion

ADDRESS: 297 Ogle

CITY: COSTA MESA

Per sec.13-42 (f), (2) City of Costa Mesa zoning code. A property review inspection was conducted. The following items were noted. There are 3 units, corrections apply to each unit

BUILDING :

- 1) Provide one-hour occupancy separation between garage and dwelling units.
- 2) Provide one-hour fire resistive construction for walls separating dwelling units.
- 3) Provide draft stopping at attic areas separating dwelling units.
- 4) Insulate the building envelope to California Energy Code requirements. *AT ACCESSIBLE AREAS*
- 5) Provide min STC 50 sound rating between dwelling units.
- 6) Windows do not comply with current California Energy Code.
- 7) Hardwire smoke alarms at locations referenced by the California Building Code.
- 8) Provide complying stairways, guardrails, and handrails per the California Building Code.
- 9) Provide an emergency escape and rescue window at each sleeping room.
- 10) Provide heating facilities capable of maintaining a room temperature of 70 degrees F at 3'-0" above the floor in all habitable rooms.
- 11) Repair masonry fireplace.
- 12) Return garage to intended use.

PLUMBING:

- 1) Install water heaters per California Plumbing Code Requirements.

ELECTRICAL.

- 1) Provide Min 100 AMP electrical services.
- 2) Provide house panel for common areas.
- 3) Re-wire grounded system throughout.
- 4) Re-wire for current California Electrical Code circuitry.
- 5) Provide GFCI protection for receptacles in garages, bathrooms, kitchen counter tops, and outdoors.
- 6) Provide AFCI protection for all receptacles in bedrooms.
- 7) Provide receptacles so that no point on kitchen counter top is more than 2 feet away.
- 8) Provide receptacles so that no point of wall space is greater than 6 feet away.
- 9) Provide California Energy Code lighting at kitchens and bathrooms.

Bill Dumas
SENIOR INSPECTOR

PLANNING DIVISION - CITY OF COSA MESA
DESCRIPTION/JUSTIFICATION

Application #:

Environmental Determination:

Address: 297 Ogle STREET

1. Fully describe your request:

The applicant proposes to convert an existing 1/2 story triplex into a common interest development (condominiums) which would allow the units to be sold independently of one another.

2. Justification

A. For a Conditional Use Permit or Minor Conditional Use Permit: Describe how the proposed use is substantially compatible with uses permitted in the same general area and how the proposed use would not be materially detrimental to other properties in the same area.

B. For a Variance or Administrative Adjustment: Describe the property's special circumstances, including size, shape, topography, location or surroundings that deprive the property of privileges enjoyed by other properties in the vicinity under the identical zoning classification due to strict application of the Zoning Code.

3. This project is: (check where appropriate)

☐ In a flood zone.

☒ Subject to future street widening.
(SANTA ANA STREET - EASEMENT)

☐ In the Redevelopment Area.

☐ In a Specific Plan Area.

4. I have reviewed the HAZARDOUS WASTE AND SUBSTANCES SITES LIST published by the office of Planning and Research and reproduced on the rear of this page and have determined that the project:

☒ Is not included in the publication indicated above.

☐ Is included in the publication indicated above.

H297 Ogle STREET LLC

Signature

IS MATRONS' MEMBER

Date

6/21/05

KEMMERER DESIGN ARCHITECTURE, INC.
228 Crest Avenue
Huntington Beach, CA 92648
Tel. 714.655.3139
Fax. 714.969.9059

June 7, 2005

Property Observation Report: General Building Location, Type and Materials

Property: 297 Ogle Street
Costa Mesa, CA 92627

Owner: HY 297 Ogle Street LLC
1301 Dove Street
Suite 720
Newport Beach, CA 92660
949-851-1954 ext 213

Location: The property is located at the southwest corner of Ogle Street and Santa Ana Avenue, one block south of 17th Street. The neighborhood consists of single family and multi-family residences ranging in age from 10 to 50 years old. The subject property is practically identical to the other 23 properties located on this block bounded by Ogle Street, Santa Ana Avenue, 16th Place, and Westminster Avenue.

Configuration: The property consists of a single building including 2 identical but mirror imaged two-story two-bedroom, 1½ bath townhouse units of ±1,043 square feet. The third unit is a single story two bedroom, 1 bath plus den unit of ±940 square feet. Attached at the south end of the building is a two-car garage and a one-car garage. Only unit C has direct access to the garage. Each unit has a fenced backyard.

Access: Each unit has its own private entry that faces Santa Ana Avenue. Each unit also has a secondary entry via a patio door that opens to a private fenced backyard on the opposite side of the building from Santa Ana Avenue. The garages and three off-street surface parking spaces on the south end of the lot next to the garages are all serviced by the alley that runs south of the property, parallel to Ogle Street and bisects the entire block. There appears to be ample street parking along Ogle Street.

Roof: The asphalt composition roofing was reportedly replaced approximately 5 years ago.

Foundation: The foundations are concrete slab on grade with concrete footings. Imbedded gas supply lines appeared to have been abandoned in this property as well as in many of the identical buildings on this block as evidenced by the replacement gas lines running along the exterior walls of the buildings.

Mechanical: Each unit has its own water heater and gas-fired forced air heating system with out air conditioning. Kitchens are equipped with stove, oven and connections for a refrigerator, washer and dryer. Owners plan to replace the water heater, heating

system, and all kitchen appliances plus add a dishwasher upon approval of the subdivision plan.

- Electrical:** Each unit has a separately metered 100A electric panel. There is no common area electrical system. Wiring is insulated copper
- Plumbing:** There is a common water meter. Water piping appears to be copper. Gas is separately metered and the supply lines are exterior to each unit composed of galvanized steel. Sewer piping is cast iron. It is suspected that there is only a common sewer lateral.
- Construction:** The structure was reported built in 1960. It is constructed of a wood frame, with a stucco and wood trim exterior, and aluminum frame single-glazed windows. Interior walls are finished with gypsum board and paint. The owners plan to replace all windows with energy-efficient double-glazed windows, replace all exterior doors with insulated steel exterior doors upon approval of the subdivision plan.
- Landscape:** The building is surrounded by maintained and mature landscaping. The owners plan to replace all shrubs with popular drought resistant species. Selected trees are also to be replaced with drought-tolerant species upon approval of the subdivision plan.
- Disclaimer:** This document has been prepared to observe, in general the, building location, building type, and materials. This document does not report any conditions regarding lifespan or damage to existing building materials. Any specific investigations or reports (Termite, Thermal Moisture Protection, etc.) shall be performed as required and by the Owners consultants and not by KDA, Inc. The Architect (KDA, Inc.) does not warrant or approve, in any way, the accuracy of this information and shall not be responsible for any discrepancy between this document and the existing conditions.

Prepared by: Marcus Kemmerer
Architect





CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT,
PLEASE CONTACT THE PLANNING DIV. AT (714)754-5245.**